

# NEWSMAKERS

BEHIND THE SCENES WITH PEOPLE IN THE HEADLINES

## Hispanic FBI agent: 'It's still us vs. them'

Bernardo "Matt" Perez and 310 other Hispanic FBI agents won a landmark discrimination suit against the FBI last May, but Perez can't put it behind him yet.

He's been promoted, but as long as other agents experience reprisals he can't rest, he says. "This is my job, my responsibility. The law was changed, but that's not as important as making it work. We Latinos want to contribute to the American system."

Perez, lead plaintiff in the case, has been invited to meet FBI Director William Sessions today to discuss claims of continued harassment.

Three agents told a congressional panel last week they still suffer retaliation for participating in the lawsuit. Sessions is investigating.

"We can't expect the hierarchy to make the changes alone," says Perez, 50. "We're here to give help whether they want it or not."

Last year, U.S. District Judge Lucius Buntion found the FBI assigned Hispanics to jobs that kept them on the "taco circuit" — wiretapping and translating jobs that didn't lead to advancement. He ordered Perez pro-



PEREZ

moted and created a panel to review Hispanic agents' cases.

Now Perez is deputy assistant director of the FBI laboratory division in Washington.

But the court case left him \$50,000 in debt, and he says he's seen as an outsider. "I am invisible here. I'm happy, but it's not pleasant. It's still us vs. them. They see it as

Matt Perez vs. the FBI."

The FBI equal opportunity office has had complaints from nine Hispanic agents since the settlement. Perez says others are still afraid.

Perez, son of a Yaqui Indian mother and a Mexican father, intended to be a priest. But after the seminary and Georgetown University, he joined the FBI as an agent in Tampa.

After serving in foreign counterintelligence and terrorism, he got his first negative evaluation in 1982 as senior assistant special agent in charge of the Los Angeles office. He filed complaints charging his supervisor with bias against Hispanics.

Perez was transferred to El Paso, where he filed suit in federal court.

— Mary Benanti

### Briefly . . .

Anne Henderson Pollard, 29, wife of convicted spy Jonathan Pollard, is to be released Friday after completing two-thirds of a five-year prison term.

### Deaths . . .

Cindy Martin, 26, the world's

only recipient of a heart-liver-kidney transplant, died Monday of hepatitis at Presbyterian-University Hospital in Pittsburgh. . . . Actor Rene Enriquez, 58, who portrayed Lt. Ray Cagellano on *Hill Street Blues* TV series, died of pancreatic cancer Friday at his Tarzana, Calif., home. . . . Fashion designer Halston, 57, died Monday in San Francisco. (Cover story, 1D)

### COVER STORY

## Free speech also an issue

Continued from 1A

not ask the players to smoke. We do not ask those who attend to smoke. . . . We only hope that those who attend who do smoke will smoke our brand," says Andrew White for Philip Morris, which makes Virginia Slims.

Tennis player Pam Shriver defends Philip Morris: "We're not asked to endorse products. I don't see anything morally wrong with it."

Tennis superstar Martina Navratilova credits Virginia Slims' maker Philip Morris with taking "women's tennis to the height it is now when no one else was interested in the sport in the early '70s."

Without that backing, the "media wouldn't be covering women's tennis and the fans wouldn't be watching it. . . . Just because somebody runs in a race or plays a game doesn't mean they smoke those cigarettes or drink that beer."

Alcoholic beverage makers have had to fend off similar attacks.

Tobacco and sports have been in bed together for a long time. Baseball fans know a bullpen is where relief pitchers warm up.

But how many know the name comes from Bull Durham tobacco signs that adorned outfield fences at the turn of the century?

Only in recent years has the relationship between sports and tobacco become an issue, and only in recent weeks has it become a burning issue:

► Last month, Sullivan made headlines with a call that tobacco butt out of sports: "The sponsorship itself uses the vigor and energy of athletes as a subtle but incorrect and dishonest message that smoking is compatible with good health."

► Last week, the Aspen Skiing Co. said effective next season there will be no more tobacco industry sponsorships on its mountains.

► Last month, city commissioners in Lakeland, Fla., spurned \$25,000 from a chewing tobacco company to sponsor a softball tournament.

► Also last month, the First National Bank in Albuquerque withdrew as the major local sponsor of the Virginia Slims of Albuquerque, for which it paid \$150,000 last year.

"This is the handiwork of a handful of anti-smoking zealots," says The Tobacco Institute's Lauria. "A year from now it will be a non-issue."

But Blum does not believe the issue is going to go away. He founded Doctors Ought to Care (DOC) in 1977. The organization has chapters around the USA and seeks a ban on tobacco sponsorships of sports.

"If they take tobacco out of motor sports, it would be a severe blow," says Ernie Sexton, publisher of *Motorsports Marketing News*. "I think we could survive, but it would take years to replace those dollars."

Blum says one reason cigarette companies sponsor sports is to get around the ban of advertising on TV: "You watch an auto race and you see cars with cigarette logos going around tracks with cigarette logos. You watch tennis and you see the lo-

gos in the background. Truth is good, but juxtaposition is better."

"Untrue," says White of Philip Morris. "TV coverage is incidental."

White says tobacco companies do not sponsor sports events to attract any new smokers, young or old: "We do it for the same reasons we advertise. One, to attract people who smoke to switch brands. And, two, to maintain brand loyalty."

Counters Blum: "That is entirely whiffle dust. Of course they want to attract new smokers. They have to. They're killing the old ones. And where do you find new smokers? Kids. Adults who don't smoke don't start. And how do you appeal to kids? Sports. It's the easiest way."

To which The Tobacco Institute's Lauria says: "We market to adults and adults only. We do not target children."

Dan Jaffe, executive vice president of the Association of National Advertisers, says all products must eventually find new customers.

But he says mature products — like tobacco, alcohol and coffee — are better advertised to existing users because it costs less to convince a consumer to switch brands than to convince a non-user to begin.

And as long as tobacco ads or sponsorships do not target kids, you can't hide them from kids, he says:

"You can't bring society to the level of the sandbox. If there is a problem with minors smoking, enforce the laws against sale to minors. If tobacco is dangerous, ban the sale of it. We tread on dangerous ground when we want to ban speech about legal products. And sports sponsorship is a form of commercial free speech."

That makes it a First Amendment issue, says Jaffe.

Joe Cherner, president of Smoke-free Educational Services in New York, speaks to dozens of grammar schools every year. He thinks there is a price being paid for First Amendment freedom.

"I have found that the average sixth-grade girl actually thinks women tennis players smoke," he says. "Now, Jennifer Capriati plays Virginia Slims at 13. That means she is not old enough to smoke but she is old enough to be a walking billboard for a cigarette company."

Anti-smoking activists don't want Jennifer Capriati precluded from playing professional tennis. They do want tobacco companies precluded from sponsoring sports, as is already the law in several other countries.

French government officials are planning several steps to halt tobacco-related deaths there, including a ban on tobacco sponsorship of sports.

Philip Morris owns Kraft General Foods. Kraft's name is on many of the women's tennis tournaments played in Europe.

Might Virginia Slims tennis become Kraft tennis in the USA if the pressure continues?

"I don't answer conditional questions," says White. "All I can say is I don't see that happening."

Contributing: Anne Carey

# Fire fallout

## City probes club ownership

Key figures in ownership of the Happy Land Social Club — including actress Kathleen Turner's husband, Jay Weiss — are part of the police investigation into responsibility for the fire that killed 87 in New York on Sunday.

The issue of landlord responsibility isn't clear, according to Edward McCarthy, spokesman for the Bronx prosecutor's office.

He said the prosecutor's office probably will not reach a decision before next week about whether Weiss and his partner, Morris Jaffe, are criminally liable.

A key point: whether anyone other than the club operator, Elias Colon — who died in the fire — knew the building had been served with notices of building code violations.

Assistant Fire Chief William Feehan said inspectors are supposed to serve notices on the responsible person at the scene, not necessarily to building owners.

Weiss had been trying to evict Colon for non-payment of rent for 11 months, court records show.

"We're going to press as fully as we can to make certain we get back possession of the building,"

said Alan Vogeler, Weiss' lawyer.

In fact, an eviction trial had been scheduled to begin this morning.

Meanwhile, families of the victims began to claim their relatives' bodies and arrange for funerals or shipment home. Many of those killed were from Honduras or the Dominican Republic.

One of the fire's five survivors, Ruben Valladarez, the club's disc jockey, has a "better than 50-50 chance" of survival, Bronx Municipal Hospital reported. He suffered burns over 40 percent of his body.

A grand jury has begun hearing evidence against Julio Gonzalez, 36, who told police he started the fire. He faces 87 counts of murder.

"We expect to have an indictment by Friday. We'll have a case even if he backs out of the confession," McCarthy said.

In 1985, Weiss and Jaffe, principals in Little Peach Realty Inc., leased the Bronx site for 30 years from Alex DiLorenzo III, heir to one of Manhattan's largest real estate fortunes. DiLorenzo, who inherited a \$500 million real estate portfolio from his father, had bought the site two months earlier



By Ann Clifford, DMI

PROBE FIGURE: Jay Weiss, husband of actress Kathleen Turner, tried for 11 months to evict the operator of the Happy Land Social Club.

for a reported \$885,000.

The spotlight on Weiss and, in his shadow, Turner, brought a response from the actress, who is starring in a Broadway revival of *Cat on a Hot Tin Roof*. "This is an act of a violent madman," she said in a statement issued through her publicist. "It's a tragedy. It doesn't

reflect on me or my husband."

Turner and Weiss were married in August 1984, after a romance that began when Weiss, who owns a number of Upper West Side apartment buildings, helped her find an apartment.

— Bruce Frankel

## NYC's tragedy puts other areas on alert

Fire officials across the USA are taking a second look at social clubs, hoping to reduce the threat of a tragedy like the one at Happy Land.

► In Chicago, at least 100 registered non-profit clubs are being inspected; officials are trying to find unlicensed clubs.

"When a tragedy like this occurs, you don't want to ignore it," says building commissioner Daniel Weil.

► Elizabeth, N.J., Mayor Thomas Dunn says city inspectors will put at least seven illegal nightclubs out of business. Two owners of one club have been arrested.

"The only way you're going to educate someone is show how it could affect them adversely," says Lt. Jack Christmas of the Philadelphia fire department. "If they understand it could be their life, they're more likely to follow

the letter of the law."

Immigrants are a key target, because clubs in their homelands typically don't have to meet safety codes, says Jim Butters of the International Association of Fire Chiefs.

Cristy LeMay of the Miami Fire Department says officials there develop evacuation plans with club owners, then "spend a great deal of time" training staffs.

Advice for clubgoers:

"In (Happy Land) the exits were absolutely insufficient; there was no (rear) exit, no windows on either floor," says Richard Brower, International Association of Fire Fighters in New York.

"Look for lighted exits, the presence of a sprinkler system. If not there, think about patronizing another establishment."

— Tom Squitieri



AP

PROTECTION: New York detectives escort Lydia Feliciano to her apartment building.

— Tom Squitieri

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